



# Tri-Valley Central School

Code of Conduct

2021-2022

Home  
of the  
Bears!

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## I. INTRODUCTION

The Tri-Valley Central School District is committed to maintaining high standards of education and conduct. This requires the development and implementation of a Code of Conduct that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline are a shared responsibility between school, home and community. We believe a Code of Conduct must:

1. Identify, recognize and emphasize acceptable behavior;
2. Identify, recognize and prevent unacceptable behavior;
3. Promote self-discipline;
4. Consider the welfare of the individual and the school community;
5. Promote a close working relationship between parents/guardians and the school staff;
6. Provide a range of disciplinary responses appropriate to the misbehavior;
7. Outline procedures for administration that is fair, firm, reasonable, and consistent;
8. Outline a person's right to reasonable hearing procedures and due process;
9. Comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents;

The Board of Education is responsible to ensure that regulations are established and adequate discipline is maintained to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and members of the school community. The parent/guardian is expected to assume primary responsibility for behavior of his or her child. Parents/guardians will be asked to

actively cooperate with the school to provide the necessary structure to promote educational, social and emotional growth. 3

## II - DEFINITIONS

For the purposes of this Code, the following definitions apply:

**Arson:** intentionally starting or attempting to start any fire or combustion.

**Bullying/Harassment:** the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that,

- has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being;
- reasonably causes or would reasonably be expected to cause a student to

- fear for his or her physical safety;
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For the purpose of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

In order to streamline the wording of this policy, the term “bullying” will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

Bullying may be based on any characteristic, including but not limited to a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression). This is not an exhaustive list. For example, students with acne or short stature, who are subjected to discrimination, harassment, or bullying are also covered by the Dignity Act.

**Cyberbullying:** bullying, as defined above, through any form of electronic communication as defined by Policy #0115 and #0115-R

**Disability:** (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or a

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condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held ([Education Law §11\[4\]](#) and [Executive Law §292\[21\]](#)).

**Discrimination:** discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.

**Disruptive Student:** an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom, or with the authority of other district

employees. “Substantially Disruptive” shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. “Substantially Interferes” shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher’s directives. “Substantially Disruptive” also includes substantial disruption to the school environment that causes or could cause disruption to the order, safety, and/or learning environment.

***Due Process:*** a legal proceeding followed to make a complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a child, or the provision of a free and appropriate public education to a child.

***Emotional harm:*** that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

***Employee:*** any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to [title 9-B of article 5 of the Social Services Law](#), and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact ([Education Law §11\[4\]](#) and [1125\[3\]](#)).

***Gender:*** actual or perceived sex and shall include a person’s gender identity or expression ([Education Law §11\[6\]](#)).

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***Material Incident of Harassment, Bullying, and/or Discrimination:*** as defined in Policy #0115 and #0115-R.

***Parent:*** the parent, guardian or person in parental relation to a student.

***Removal:*** the act of a teacher in discontinuing the presence of the student in his/her classroom.

***School Function:*** any school sponsored extra-curricular, co-curricular or other event or activity, including “away” or “visitor” events ([Education Law §11\[2\]](#)).

***School Property:*** in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus ([Education Law](#)

[§11\[1\]](#)).

**Sexual Orientation:** actual or perceived heterosexuality, homosexuality, or bisexuality ([Education Law §11\[5\]](#)).

**Sportsmanship** (as defined by Merriam-Webster.com): fair play, respect for opponents, and polite behavior by someone who is competing in a sport or other competition.

**Substantially Disruptive:** shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive behavior of the student.

**Suspension:** the act of a Building Principal (or acting Building Principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes ranging from one day to one year.

**Theft:** unlawful taking and carrying away of property belonging to another person from school with the intent to deprive the lawful owner of its use.

**Unauthorized Medication:** any medication which is in violation of the District Student Health Services Policy, including prescription and over-the-counter medications.

**Violent Student:** a student under the age of 21 who:

1. Commits an act of violence upon a school employee/student, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so.

3. Possesses, while on school property or at a school function, a weapon, or what appears to be a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon, or threaten to use bodily harm or violence against anyone.
6. Threats – can include acts of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, other school employee, another student, any other person lawfully on school property or attending a school function; can include threatening to use a weapon or bodily harm or violence against anyone; can include bullying of any kind; can include intimidation which puts people in fear of violence or bodily harm; can include hazing.

7. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
8. Knowingly and intentionally damages or destroys school district property.

**Volunteer:** any person who freely and voluntarily assists or performs services for the District without receiving compensation for assisting or performing these services.

**Weapon:** includes, but is not limited to, a firearm as defined in the Gun-Free Schools Act ([18 USC §921](#)) [any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as any other gun, BB gun, pistol, revolver, shot gun, rifle, machine gun, disguised/imitation gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, or material or substance that can cause physical injury or death when used to cause physical injury or death.

**Threats:** can include acts of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, other school employee, another student, any other person lawfully on school property or attending a school function; can include threatening to use a weapon or bodily harm or violence against anyone; can include bullying of any kind; can include intimidation which puts people in fear of violence or bodily harm; can include hazing.

### III. STUDENTS' BILL OF RIGHTS AND RESPONSIBILITIES

#### A. Students' Rights

The District is committed to safeguarding the rights given to all students under state and federal

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law. In addition, to promote a safe, healthy, orderly and supportive school environment, all District students have the right to:

1. Have a safe, healthy, orderly, supportive and courteous school environment;
2. Take part in all District activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or socio-economic status;
3. Attend school and participate in school programs unless suspended from instruction and participation in accordance with due process of law and the Code of Conduct;
4. Have school policies, regulations and rules available for review and, when necessary,

- receive an explanation by school personnel;
5. In all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction;
  6. To appeal when he/she believes that he/she has been falsely accused or unfairly disciplined by following the appeal process:
    - a. notifying the Building Principal, if action was taken place by a staff member under the Principal's jurisdiction;
    - b. notifying the Superintendent if the action was taken by the Building Principal;
    - c. notifying the Board of Education if the action was taken by the Superintendent of Schools;
    - d. writing the appeal, which would state the reasons for the appeal and the nature of the redress, sought. This appeal must be submitted within ten (10) school days of the date of the action taken or within ten (10) school days of the date the appeal was denied at each level.
  7. Express his/her opinions verbally as long as his/her expression is respectful and does not interfere with the rights of others or disrupt normal school operations.

## **B. Students' Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
  2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
  3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
  4. Work to the best of their ability in all academic and extra-curricular pursuits and strive toward their highest level of achievement possible.
  5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
  6. Work to develop mechanisms to control their anger.
  7. Ask questions when they do not understand.
  8. Seek help in solving problems.
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9. Dress appropriately for school and school functions (refer to Dress Code Section V);
  10. Accept responsibility for their actions.
  11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
  12. Respect school property and maintain any school property issued to them for their participation in athletics, extracurricular or other student activities in good condition and shall immediately return such property upon the conclusion of the sport season or activity.



13. Make constructive contributions to the school, to report fairly the circumstances of school-related issues and to bring concerns about school district policies or actions to the appropriate member of the District staff or administration.

## IV ESSENTIAL PARTNERS

Stakeholder	Responsibilities
<p><b>A. Parents</b></p>	<p><b><i>All parents are expected to:</i></b></p> <ol style="list-style-type: none"> <li>1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.</li> <li>2. Send their children to school ready to participate and learn.</li> <li>3. Ensure their children attend school regularly and on time.</li> <li>4. Ensure absences, late arrivals and early dismissals are excused.</li> <li>5. Ensure their children be dressed and groomed in a manner consistent with the student dress code.</li> <li>6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, and orderly environment.</li> <li>7. Know school rules and help their children understand them so that their children may help create a safe, supportive school environment.</li> <li>8. Convey to their children a supportive attitude toward education and the District.</li> <li>9. Build respectful relationships with teachers, other parents and their children’s friends.</li> <li>10. Help their children deal effectively with peer pressure.</li> <li>11. Inform school officials of changes in the home situation.</li> <li>12. Provide a place for study and ensure homework assignments are completed.</li> <li>13. Recognize that teachers merit the same consideration and respect that parents expect from their child.</li> <li>14. Be aware that they are responsible for any financial obligations incurred by their child in school, which may include lost, damaged, or unreturned property, food services, etc.</li> </ol>
<p><b>B. Teachers:</b></p>	<p><b><i>All teachers are expected to:</i></b></p> <ol style="list-style-type: none"> <li>1. Maintain a climate of mutual respect and dignity for all students regardless of the student’s actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, disability, or any other characteristic protected by applicable federal, state or local law, which will strengthen student’s self-concept and promote confidence to learn.</li> <li>2. Be prepared to teach.</li> </ol>

	<p>3. Demonstrate interest in teaching and concern for student achievement. 4. Know school policies and rules, and enforce them in a fair and consistent manner.</p> <p>5. Communicate to students and parents:</p> <ul style="list-style-type: none"> <li>a) Course objectives and requirements</li> <li>b) Marking/grading procedures</li> <li>c) Assignment deadlines</li> <li>d) Expectations for students</li> <li>e) Classroom discipline plan</li> </ul> <p>6. Communicate regularly with students, parents and other teachers concerning growth and achievement.</p> <p>7. Address issues of discrimination, bullying, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.</p> <p>8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.</p> <p>9. Promptly report to the Building Principal incidents of discrimination and bullying that are witnessed or otherwise brought to the attention of the teacher.</p> <p>10. Help students develop decision making skills in order to become responsible, respected citizens.</p>
<p><b>C. Guidance Counselors, Psychologists</b></p>	<p>1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.</p> <p>2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.</p> <p>3. Regularly review with students their educational progress and career plans. 4. Provide information to assist students with career planning.</p> <p>5. Encourage students to benefit from the curriculum and extracurricular programs.</p>
<p><b>D. School Personnel including substitutes, volunteers, itinerants, etc.</b></p>	<p>1. Maintain a climate of mutual respect and dignity for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, disability, or any other characteristic protected by applicable federal, state or local law, which will strengthen student's self-concept and promote confidence to learn.</p> <p>2. Be familiar with the Code of Conduct.</p> <p>3. Help children understand the District's expectations for maintaining a safe, orderly environment.</p> <p>4. Address issues of discrimination, bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.</p> <p>5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.</p> <p>6. Promptly report to the Building Principal incidents of discrimination and bullying that are witnessed or otherwise brought to the attention of the school personnel.</p>

<p><b>E. Building Administrators</b></p>	<ol style="list-style-type: none"> <li>1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, disability, or any other characteristic protected by applicable federal, state or local law.</li> <li>2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.</li> <li>3. Evaluate on a regular basis all instructional programs.</li> <li>4. Support the development of and student participation in appropriate extracurricular activities.</li> <li>5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.</li> <li>6. Address issues of discrimination, bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.</li> <li>7. Address personal biases that may prevent equal treatment of all students and staff in the school or classroom setting.</li> <li>8. Promptly report to the Superintendent incidents of discrimination and bullying that are witnessed or otherwise brought to the attention of the Principal.</li> </ol>
<p><b>F. District Administrators</b></p>	<ol style="list-style-type: none"> <li>1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, disability, or any other characteristic protected by applicable federal, state or local law.</li> <li>2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.</li> <li>3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.</li> <li>4. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.</li> <li>5. Address issues of discrimination, bullying, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.</li> <li>6. Address personal biases that may prevent equal treatment of all students and staff.</li> </ol>
<p><b>G. Board of Education</b></p>	<ol style="list-style-type: none"> <li>1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of the student's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, disability, or any other characteristic protected by applicable federal, state or local law.</li> <li>2. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.</li> <li>3. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.</li> <li>4. Lead by example by conducting themselves in a professional, respectful,</li> </ol>

	courteous manner at all school related events.
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	<p>5. Address issues of discrimination, bullying, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.</p> <p>6. Address personal biases that may prevent equal treatment of all students and staff.</p>
<b>H. School Visitors</b>	<p>1. Lead by example by being professional, respectful, and courteous at all school related events and be supportive to the development of and student participation in extracurricular activities.</p> <p>2. Maintain a climate of mutual respect and dignity for all regardless of the individual's actual or perceived race, color, religion, creed, national origin, ethnicity, gender, sexual orientation, gender identity or expression, weight, disability, or any other characteristic protected by applicable federal, state or local law, which will strengthen student's self concept and promote confidence to learn.</p>

**V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's hair, clothing, personal grooming choices, and accessories SHALL:

1. Be safe, appropriate, and clean;
2. Fully cover undergarments, backs, stomachs, breasts, and bottoms;
3. Include safe footwear at all times.

A student's hair, clothing, personal grooming choices, and accessories SHALL NOT:

1. Include hats, bandanas, sunglasses, or other face and head coverings unless required for documented medical and/or religious purposes;
2. Include items that are vulgar, obscene, sexually explicit, libelous, slanderous - or items that denigrate or offend others on account of face, weight, color, creed, national origin, ethnic group, religion, religious practices, gender, sexual orientation, disability, or other characteristic protected by applicable federal, state or local law;
3. Distract, disrupt, or otherwise incite inappropriate conduct;
4. Contain profane language and/or images that depict or promote pornography, alcohol,

drugs, violence, or any other behavior that violates the Code of Conduct.

Any student in violation will be required to change these clothes. Continued violations will result in more serious consequences.

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Each Building Principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students and parents will also be made aware of particular building exceptions to the dress code for special occasions.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including out-of-school suspension.

## **VI - PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and respectful manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities, equipment and other property. When a student is issued school property for their participation in athletics, extracurricular or other student activities, they must ensure that such property is maintained in good condition and must immediately return it to the District upon the conclusion of the sport season or activity.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students will be subject to disciplinary action, up to and including suspension from school, when they:

### **A. Engage in conduct that is disorderly. Examples of disorderly conduct include:**

- running in hallways;
- making unreasonable noise;
- using verbal or written language or gestures that are profane, lewd, vulgar, or abusive;
- obstructing vehicular or pedestrian traffic;
- failing to return school property, equipment or uniforms provided for athletics or another school-related activity;

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- engaging in any willful act which disrupts the normal operation of the school community;
- Trespassing: Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

**B. Misuse computer/electronic communications, including but not limited to:**

- any violation of the District's Acceptable Use Policy (A copy of this policy is attached to this Code of Conduct in **Appendix B**);
- any unauthorized use of computers, software, or Internet/intranet account; • accessing inappropriate websites;
- use of personal electronic devices in the classrooms, except as expressly permitted by a teacher for instructional purposes;
- use of personal electronic devices in other prohibited areas, as designated by the Principal;
- Sexting: Sending sexually explicit messages, photos, or videos via cell phone or other electronic means;
- Cyberbullying: Engaging in electronic social cruelty, abuse or threats. Cyberbullying includes any form of transmitting electronic communications, including but not limited to e-mail, instant messages (texting), social networking sites (such as Facebook and Twitter), blogs, chats, pagers, cell phones or gaming systems, which are intended to be or which may reasonably be perceived as cruel, harassing, threatening or intimidating;
- any other violations of the District's Acceptable Use Policy.

**C. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:**

- failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
- lateness for, missing or leaving school without permission;
- skipping detention;
- leaving class or school without permission.

**D. Engage in conduct that is disruptive. Examples of disruptive conduct include:**

- failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students;
- interfering with or halting classroom instruction.

**E. Engage in conduct that is violent. Examples of violent conduct include:**

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- \* committing or threatening an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee or attempting to do so;
- committing or threatening an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so;
- possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function;
- displaying what appears to be a weapon;
- threatening to use any weapon, or threatening bodily harm or violence against anyone, while on school property;
- intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson;
- intentionally damaging or destroying school District property.

**F. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

Examples of such conduct include:

- lying to school personnel;
- stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;
- defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
- discrimination, which includes the use of the person's actual or perceived race, color, creed, national origin, religion, religious practices, ethnic group, gender, weight, sexual orientation or disability as a basis for treating another in a negative manner, as defined in Policy # 0115 and #0115-R and Policy # 0110 and 0110-R.

- engaging in any form of harassment or bullying as defined in Policy # 0115 and #0115-R (for sexual harassment of students) or Policy # 0110 and 0110-R (for sexual harassment of employees);
- engaging in Title IX Sexual Harassment, as defined under Policy # 0111. **(NOTE, however, that no disciplinary penalties can be imposed on a student for alleged Title IX Sexual Harassment until a full investigation under Policy # 0111 is completed, and a decision-maker has determined, by a preponderance of the evidence, that the student committed the Title IX Sexual Harassment);**
- Bullying, as defined in Policy # 0115 and 0115-R
  - cyberbullying as defined in Policy #0115 and #0115-R. **Cyberbullying may result in disciplinary action when it occurs on or off school property;**

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- intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
- hazing as defined in Policy #0115 and #0115-R;
- selling, using or possessing obscene material;
- using vulgar or abusive language, cursing, or swearing;
- smoking a cigarette, cigar, pipe, using chewing or smokeless tobacco, non prescribed medical inhalant, the use of e-cigarettes or other products containing nicotine including current FDA approved smoking cessation products;
- possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs” (such as HGB, Ecstasy, etc.);
- inappropriately using or sharing prescription and over-the-counter drugs; • gambling;
- touching or grabbing another student on a part of the body that is generally regarded as private; touching another student in a sexual or proactive manner; • engaging in a sexual act with another student or oneself;
- indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner;
- initiating a report warning of fire, bomb scare, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher;
- engaging in or demonstrating physical and/or sexual contact/behavior; • serious sexual offense.

**G. Engage in misconduct while on a school bus.** It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, throwing, shoving and fighting will not be tolerated.



### Transportation Rules

- Students should remain seated until the bus comes to a complete stop. • Elementary students may be asked to sit three to a seat if necessary (Some drivers have seat assignments for students).
- Students shall not block the aisles and must stay seated, facing forward. • Profanity, loud talking or unnecessary noise is unacceptable. Appropriate conduct is expected at all times.
- Students are not permitted to open the window except with the permission of the driver. Hands and arms are to be kept inside the bus at all times. • Smoking or possession of drugs or alcohol on school buses is a violation of state law and school policy and is not permitted at any time.

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- Students are to keep the bus clean and orderly. Refuse must be deposited in the container at the front of the bus.
- School buses must not be damaged or vandalized by students. The cost of repairing or replacing damaged items such as seat cushions will be charged to the parents of the children involved.
- Students are not allowed in the driver's seat at any time.
- When leaving the bus, students must walk ten feet in front of the bus along the shoulder and then cross the highway only when the driver signals that the roads are clear and it is safe to proceed. Students are not to walk along the side of the bus or cross behind it.
- Items such as pets, glass containers, skateboards, hockey sticks, baseball bats, skis, and sleds are not allowed on buses.
- Athletic cleats are not to be worn on the bus.

#### **H. Engage in any form of academic misconduct. Examples of academic misconduct include:**

- Truancy from, lateness for, missing, cutting or leaving any School District class or required instruction without permission or excuse;
- Cheating, including but not limited to:
  - (a) copying the work of another person;
  - (b) plagiarizing materials;
  - (c) using unauthorized help sheets or materials;
  - (d) illegally obtaining tests in advance;

(e) substituting for a test-taker or having someone substitute for you in a test;

(f) altering records;

(g) other forms of unauthorized collusion;

(h) assisting another student in any of the above actions.

- Violating a suspension;
- Failing to complete an imposed detention;

(a) plagiarism;

(b) cheating;

(c) copying;

(d) altering records;

(e) assisting another student in any of the above actions.

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**I. Tri-Valley Central School District hereby states/sets forth that a student may be subjected to discipline for out of school conduct (including but not limited to internet use) if such conduct creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. In reviewing such incidents, administration may consider the nexus between the school function and out of school conduct.**

- Misconduct Committed Off District Property

Students, staff and visitors may be disciplined for misconduct that is not committed on District Property or at a District function if such misconduct (1) threatens the health, safety or welfare of a student, teacher or other member of the District staff, or (2) is likely to interfere with the educational environment, or (3) constitutes sexual or another form of harassment that is likely to carry over to the educational environment. The District has the right to investigate incidents involving students which occur off District property. Such investigation may include gathering and exchanging information with the local police department regarding student actions and interviewing those students and parents involved in the incident.

## VII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, “public” shall mean all persons when on school property or attending a school function including students, teachers and District personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

### A. Prohibited Conduct

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so;
2. intentionally damage or destroy school district property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson;
3. disrupt the orderly conduct of classes, school programs or other school activities;
4. distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. intimidate, harass or discriminate against any person on the basis of the person’s perceived race, color, creed, national origin, religion, religious practices, ethnic group, weight, age, gender, sexual orientation or disability;
6. enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. obstruct the free movement of any person in any place to which this Code applies;
8. violate the traffic laws, parking regulations or other restrictions on vehicles;
9. possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function;
10. possess or use weapons, or what appears to be a weapon, in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District;
11. engaging in or demonstrating physical and/or sexual contact/behavior
12. loiter on or about school property;
13. gamble on school property or at school functions;

14. refuse to comply with any reasonable order of identifiable School District Officials performing their duties;
15. willfully incite others to commit any of the acts prohibited by this Code;
16. Use any tobacco/non prescribed medicinal inhalant product on school property or while attending school functions.

## **B. Penalties**

Persons who violate this Code shall be subject to the following penalties: 1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and trespass laws under New York State Penal Law.

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

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The Building Principal or his or her designee shall be responsible for enforcing the conduct required by this Code.

When the Building Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **VIII - REPORTING VIOLATIONS**

## **A. Reporting Violations of the Code of Conduct**

1. All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Building Principal, the Principal's designee or the Superintendent. Reports and reporters will be held in the strictest of confidentiality to the extent possible.
2. All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are required to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.
3. Any weapon, alcohol or illegal substance found shall be confiscated immediately, followed by prompt notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

## **B. Reporting Complaints of Bullying and Discrimination**

1. District personnel should report any suspected incidents of discrimination or bullying in accordance with Policy Nos. 0110 and 0110-R (for employee victims), Policy Nos. 0115 and 0115-R (for student victims), and Policy No. 0111 (for Title IX Sexual Harassment).

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2. The Building Principal or his or her designee, Superintendent, the DASA Coordinator, or the Title IX Coordinator will lead or supervise the thorough investigation of all reports of bullying and discrimination, and ensure that the investigation is completed promptly after receipt of any written reports.
3. If a Formal Complaint under Title IX is filed, Board Policy # 0111 Formal Title IX Complaint Policy shall be followed, and the Code of Conduct procedures will not be followed.
4. When an investigation verifies a material incident of bullying or discrimination, the Building Principal or his or her designee, Superintendent, DASA Coordinator, or Title IX Coordinator will take prompt action, reasonably calculated to end the bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.
5. The Building Principal or his or her designee, Superintendent, DASA Coordinator, or Title IX Coordinator will notify promptly the appropriate local law

enforcement agency when it is believed that any bullying or discrimination constitutes criminal conduct.

6. Retaliation by any school employee or student is prohibited against any individual who, in good faith, reports or assists in the investigation of bullying or discrimination.

The Building Principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of the school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone. The notification must identify the student[s] and explain the conduct that violated the Code of Conduct and constituted a crime.

### **C. Violent and Disruptive Incident Reporting (VADIR)**

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying the District's Code of Conduct. If a District employee is unsure of the reporting procedure he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable. These reports are important for the District to effectively address harassment, discrimination and bullying. All of the specific VADIR infractions are listed on the District's SchoolTool webpage.

## **IX. DIGNITY ACT COORDINATORS**

The Dignity for All Students Act (DASA) requires school districts to designate at least one staff member at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. The following are the Dignity Act Coordinators for the 2021-2022 school year:

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**Elementary School:** Jennifer Williams, Principal: 845-985-2296 ext.

5305 **Secondary School:** David Pulley, Principal: 845-985-2296 ext.  
5301

**District:** Danielle Cornish, Dir. Pupil Personnel Services: 845-985-2296 ext.

5516 **District Mailing Address:** 34 Moore Hill Road, Grahamsville, NY 12740

## **X - DISCIPLINARY PENALTIES, PROCEDURES & REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age;
2. The nature of the offense and the circumstances which led to the offense;
3. The student's prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Information from parents, teachers and/or others, as appropriate;
6. Other extenuating circumstances, including but not limited to the frequency or duration of the same or similar behaviors.
7. The impact the student perpetrator's behaviors had on any individual(s) who was physically injured or emotionally harmed.

As a general rule, discipline will be progressive and include measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, intervention discipline, and education. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability.

## **A. Penalties**

Students who are found to have violated the District's Code of Conduct will be subject to the following penalties, either alone or in combination:

1. Oral warning;
  2. Written warning;
  3. Written notification to parent;
  4. Parent meeting (phone or in person);
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5. Detention (possible detentions may include, but are not limited to, before school, lunch, teacher, administrative and after school);
    - Restitution.
    - Pass restriction.
1. Suspension from transportation;
  2. Suspension from athletic participation;
  3. Suspension from social, academic or extracurricular activities;
  4. Suspension of other privileges;

a. Driving;

b. Cell Phones;

- unauthorized use of cell phone could result in a warning, removal of the device being returned to the student at the end of the day or removal of the device being returned to the parent. Frequent offenses could result in consequences for persistent disobedience.

c. Senior Privileges.

1. In-school suspension;
2. Removal from classroom by teacher, Assistant Principal, or Principal;
3. Short-term (five days or less) suspension from school;
4. Long-term (more than five days) suspension from school;
5. Permanent suspension from school;
6. Other suspensions or consequences, as determined;
7. Loss of driving privileges on school grounds;
8. Referral to law enforcement agencies.

A chart outlining the District's general disciplinary guidelines is included as an attachment to this Code of Conduct (in **Appendix A**). The penalties in the chart are not mandatory. Instead, the District has the discretion to impose the penalties it deems appropriate based on the circumstances of the misconduct or the student's past disciplinary record. In appropriate circumstances, the Principal is granted the authority to exercise his or her good judgment and apply a greater or lesser consequence than those stated in the chart.

**NOTE, however, that no disciplinary penalties can be imposed on a student for alleged Title IX Sexual Harassment until a full investigation under Policy # 0111, is completed, and a decision-maker has determined, by a preponderance of the evidence, that the student committed the Title IX Sexual Harassment.**

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing



the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents, are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. **Detention.** Teachers, Principals and the Superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.
2. **Suspension from Transportation.** If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the Building Principal or his or her designee. Students who become a serious disciplinary problem will have their riding privileges suspended by the Building Principal or his or her designee, or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education. The parent/guardian must provide the Building Principal or his/her designee with written notification which explains why transportation cannot be provided. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to [Education Law §3214](#). However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Building Principal or the Principal's designee to discuss the conduct and the penalty involved.
3. **Suspension from athletic participation, extracurricular activities and other privileges.** A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to [Education Law §3214](#). However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.
4. **In-school suspension.** The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principal or his or her designee and the Superintendent to place students who

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would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to [Education Law §3214](#). However, the student and the

student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. ***Teacher disciplinary removal of disruptive students.*** A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives.

A teacher may remove a student for the remainder of the class upon the first event and for one day of class upon the second event, and two days upon the third event. Upon the occurrence of the fourth event, a Principal's suspension may occur. Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior will be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom the following will occur:

- a. The teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for removal.
- b. Prior to removal from the classroom (or within 24 hours of removal where the

- student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events.
- c. The Building Principal or designee must be notified immediately, in writing by the teacher, of the student's removal from the teacher's class.
  - d. The Building Principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal.
  - e. Upon request, the student and his/her parent must be given an opportunity for an informal conference with the Building Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Building Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.
  - f. The Building Principal or designee may not set aside the removal unless he/she finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
  - g. The Building Principal's or designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

Nothing in this section shall prevent a teacher from sending a student to the Principal's office, and/or requesting the Principal or Superintendent to report to the classroom to remove a student from the classroom.

6. ***Suspension from school.*** Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Principals.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report

and refer a violent student to the Principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school

When the Principal or Superintendent (referred to as the “Suspending Authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to [Education Law §3214\(3\)](#), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The Suspending Authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and

opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving an appeal.

If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than five days) suspension from school

When the Building Principal or Superintendent determines that a suspension for more than five days to one year/plus may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. The notice shall provide the student with a description of the charges against the student and an explanation of the basis for the suspension.

At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent.

The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision. Suspension of more than 20 days may take place in the BOCES long-term suspension program.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

### C. Minimum Periods of Suspension

1. Students who bring a weapon to school. Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. The Superintendent will also refer any student found guilty of bringing a weapon to school to law enforcement. Before being suspended, the student will have an opportunity for a hearing pursuant to [Education Law §3214](#). The Superintendent has the authority to modify the one year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:
  1. The student's age;
  2. The student's grade in school;
  3. The student's prior disciplinary record;
  4. The Superintendent's belief that other forms of discipline may be more effective;
  5. Input from parents, teachers and/or others;
  6. Other extenuating circumstances.
  
1. Students who commit violent acts other than bringing a weapon to school. Any student who is found to have committed a violent act, other than bringing a weapon onto school property, may be subject to suspension from school for at least five days. If the proposed penalty is the five-day suspension, the student and the student's parents will be given the same notice and opportunity for an

informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the five days, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the five-day suspension on a case-by-case basis. In deciding

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whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. 2. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with a teacher's authority over the classroom. Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by the teacher(s) pursuant to [Education Law §3214\(3-a\)](#) and this Code on four or more occasions during a semester, or three or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. 3. Notwithstanding the foregoing, a student with a disability may be suspended only in accordance with the requirements of state and federal law.

#### **D. Referrals and Other Remedial Responses**

Under certain circumstances, the District may make referrals and/or utilize other remedial responses as alternatives or in addition to traditional discipline. Examples of such responses include the following:

1. *Counseling*: The Guidance Office shall handle all referrals of students to counseling, peer groups or other relevant learning experiences;
2. *PINS Petitions*: The District may file a PINS (Person in Need of Supervision) petition in Family Court, or otherwise initiate contact with the Sullivan County Family Court according to the Court's rules and/or procedures, for any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - a. Being habitually truant and not attending school as required by part one of [Article 65 of the Education Law](#); or
  - b. Engaging in an ongoing or continual course of conduct which makes the

student ungovernable, or habitually disobedient and beyond the lawful control of the school.

3. *Juvenile Delinquents and Juvenile Offenders*: The Superintendent is required to refer any student under the age of 16 who is found to have brought a weapon to school to the County Attorney for a juvenile delinquency proceeding before the Family Court. The Superintendent is required to refer students age 16 and older

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or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities;

4. *Core Team/Child Study Team Referrals*;
5. *CSE Referrals*;
6. *Referrals to Human Services and/or Other Outside Agencies*.

## **XI. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student.

## **XII. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address conduct which violates this Code of Conduct. The Board also recognizes that students with disabilities (Individual Education Plans or 504 Plans) are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities who are subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. Relevant Definitions**

For purposes of this section of the Code of Conduct, the following definitions apply:

A “disciplinary change in placement” means a suspension or removal from a student’s current educational placement that is either:

- a. for more than 10 consecutive school days, or
- b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and



because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

A “suspension” means a suspension pursuant to Education Law §3214.

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

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An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that is selected by the Committee on Special Education (“CSE”) and enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

## **B. Applicability of this Section**

1. This section of the Code of Conduct applies to students with disabilities, as defined under the Individual with Disabilities Education Act (“IDEA”), §504 of the Rehabilitation Act, Article 89 of the New York State Education Law and Part 201 of the New York State Code of Rules and Regulations (“NYCRR”).
2. The section also applies to certain students who have *not* been determined to be students with disabilities at the time of misconduct, but only where the District is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred.
3. The District will be deemed to have knowledge that such student had a disability if prior to the time the behavior occurred:
  - a. the parent of such student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
  - b. the parent of the student has requested an evaluation of the student pursuant to section 200.4 or 200.16 of this Title; or
  - c. a teacher of the student, or other personnel of the District, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education of the District or to other supervisory personnel of the District.

4. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the student's parent did not allow an evaluation of the student, the student's parent refused special education services for the student, or the District conducted an individual evaluation and determined that the student is not a student with a disability.

5. The Superintendent, Building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

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6. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors. If a request for an individual evaluation is made while such nondisabled student is subjected to a disciplinary removal, however, an expedited evaluation shall be conducted.

### **C. Authorized Suspensions or Removals of Students with Disabilities.**

A student with a disability may be ordered to be removed from his or her current educational placement as follows:

1. *Five School Day Suspension or Removal:* Except as provided below, the Board, the Superintendent of Schools or a Building Principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

2. *Ten School Day Suspension or Removal:* Except as provided below, the Superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.

3. *Exception for Suspensions or Removals that Constitute a Change in Placement:* School personnel may not suspend or remove a student with disabilities under the provisions set forth above, if imposition of the suspension or removal would result in a disciplinary change in placement based on a *pattern* of suspension or removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement,

based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances (as set forth below).

*4. IAES Placement for Behavior Involving Weapons, Illegal drugs, and/or Serious Injury:* If, while at school, on school premises, or at a school function, a student with a disability (i) carries or possesses a weapon; (ii) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or (iii) inflicts serious bodily injury upon another person, the Superintendent may remove the student to an IAES for the same amount of time that a student without a disability would be subject to discipline, but not for more than 45 school days, without regard to whether the student's behavior is determined to be a manifestation of his or her disability.

a. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or

inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2-1/2 inches in length."

b. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

c. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

d. "Serious bodily injury" means "serious bodily injury: under 18 USC § 1365, which includes "bodily injury which involves – (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty."

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may similarly order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

6. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

7. If a student with a disability is suspended or removed from his or her current placement for more than 10 consecutive school days, the District's CSE must (i) conduct a functional behavioral assessment ("FBA") of the student, and (ii) implement a behavioral intervention plan ("BIP") for the student, or review and modify, as necessary, an already existing BIP.

#### **D. Procedures for Suspensions or Removals that Require a Manifestation Determination**

1. No later than 10 school days after an authorized school authority makes a decision to either place a student in an IAES or to impose a suspension that constitutes a disciplinary change in placement, a Manifestation Team must make a manifestation determination, to determine whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the District's failure to implement the student's individualized education program ("IEP"). This determination must be based on a review of all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the student's parents.

## 2. *Manifestation Found*

- Where the Manifestation Team finds that the behavior leading to the suspension is related to the student's disability, no further suspension may be imposed and the student must be returned to his or her placement prior to the suspension, unless (i) the committee decides to recommend a new placement with which the parent agrees; or (ii) the behavior involved drugs, weapons, or inflicted serious bodily injury;
- *Exception:* If the student is found guilty of possessing, using, selling, or soliciting illegal

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drugs, using or possessing a weapon, or inflicting serious bodily injury (as set forth above), the Superintendent may suspend the student for up to 45 school days even if the Manifestation Team finds that the behavior leading to the student's suspension was related to the student's disability;

- Where the Manifestation Team finds that the behavior is a manifestation of the student's disability, the District's CSE must conduct an FBA of the student, and implement a BIP for the student, or review and modify an already existing BIP if one is already in place. In addition, no further disciplinary action may be taken, except placement in an IAES, unless the parent and the District agree to a change of placement as part of the modification of the student's BIP;
- If the manifestation determination review process reveals any deficiencies in the student's IEP or placement, or their implementation, the District will take immediate steps to remedy these deficiencies.

## 3. *No Manifestation Found*

- If the Manifestation Team finds that the behavior leading to the student's suspension is not a manifestation of the student's disability, the student shall be referred back to the Superintendent's hearing for the Penalty Phase, where the Superintendent may impose the same period of suspension that would be applicable to a non-disabled student;
- If the student is suspended or removed from his or her current educational placement for more than 10 school days in a school year, the members of the District's CSE must (i) conduct an FBA of the student, and (ii) implement a BIP for the student, or review and modify, as necessary, an already existing BIP;

4. *Notice to Parents:* The District shall provide parents with notice of any decision to make a

removal that constitutes a change or placement of a student with a disability, on the date that the decision is made. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

#### **E. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:

- The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
- The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES;

2. During the pendency of an expedited due process hearing or appeal, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the period of

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removal, whichever occurs first, unless the parents and the District agree otherwise;

3. An expedited due process hearing shall be completed within 20 school days of receipt of the request for a hearing. The impartial hearing officer must mail a written decision to the District and the parents within ten school days after the last hearing date.

#### **F. Referral to Law Enforcement and Judicial Authorities.**

In accordance with the provisions of IDEA and its implementing regulations:

1. The District shall report those alleged crimes committed by a child with a disability, to appropriate authorities, to the same extent it would report such crimes committed by a non disabled student and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported in a manner consistent with state and federal confidentiality laws.

### **XIII. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury;
2. Protect the property of the school or others;
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's Regulations.

## **XIV. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, the Building Principal, or their designees, the school nurse, or District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search

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will result in evidence that the student violated the law or the District Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Wherever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

### **A. Student Lockers, Desks and Other School Storage Places**

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **B. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched;
2. Reasons for the search;
3. Name of any informant(s);
4. Purpose of search (that is, what item(s) were being sought);
5. Type and scope of search;
6. Person conducting search and his or her title and position;
7. Witnesses, if any, to the search;
8. Time and location of search;
9. Results of search (that is, what item(s) were found);
10. Disposition of items found;
11. Time, manner and results of parental notification.

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The Building Principal or his or her designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **C. Strip Searches**

Strip searches are intrusive in nature and are not permissible. A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

### **D. Vehicles**

Student use of a motor vehicle on school property is a privilege. Motor vehicles driven onto school property by students are subject to search by school officials without notice or consent, if the school official reasonably suspects that the student or his/her passenger has engaged in activity which is in violation of school rules and/or is illegal, or that the contents of the motor vehicle may present a threat or potential threat to the health, safety, or welfare of students, staff, or the school in general.

**E. Cell Phones, Pagers, and Other Personal Electronic Signaling Devices** Student cell phones, pagers, and other personal electronic signaling devices, and their contents,

including, but not limited to, text messages, video/picture messages, and digital photos, may be searched by school officials who have a reasonable suspicion that the search will provide evidence that a student has violated either the law or a school rule.

## **F. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant, or
2. Probable cause to believe a crime has been committed on school property or at a school function, or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the Building Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Building Principal or his or her designee will also be present during any police

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questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

## **G. Child Protective Services Investigations**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to Building Principal or his or her designee. The Building Principal or his or her designee shall set the time and place of the interview. The Building Principal or his or her designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the



allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or School District Official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **XV. VISITORS TO THE SCHOOLS**

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor and required to present photo identification upon arrival.
2. All visitors to the school must report to the Main Entrance upon arrival at the school. In the Secondary School, they will be required to sign the visitor's register. In both schools they will be issued a visitor's identification badge, which must be worn at all

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times while in the school or on school grounds. The visitor must return the identification badge to the Main Entrance before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register. 4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Building Principal and classroom teacher(s), so that class disruption is kept to a minimum.

5. Teachers are expected not to take class time to discuss individual matters with visitors.

6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XVI. PUBLICATION, DISTRIBUTION AND REVIEW**

### **A. Distribution of Code of Conduct**

The Board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the Code to all students, in an age appropriate version, written in plain language at the beginning of each school year.
2. Making copies

of the Code available to all parents at the beginning of the school year. 3. Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.

4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption. 5.

Providing all new employees with a copy of the current Code of Conduct when they are first hired.

6. Making copies of the Code available for review by students, parents, and other community members on the District’s website.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code’s provisions have been and whether the Code has been applied fairly and consistently.

**DISTRICT PENALTY GUIDELINES FOR SPECIFIC MISCONDUCT**

The following chart outlines the District’s guidelines for imposing disciplinary actions for specific forms of misconduct. The District has the discretion to impose the penalties it deems appropriate based on the circumstances of the misconduct or the student’s past disciplinary record. In appropriate circumstances the Building Principal and his or her designee is granted the authority to exercise his-her good judgment and apply a greater or lesser consequence than those stated below.

<b><i>Behavior-Infraction</i></b>	<b>Elementary</b>		<b>Secondary</b>
	<b>Grades UPK-2</b>	<b>Grades 3-6</b>	<b>Grades 7-12</b>
<i>Forgery, Cheating, Plagiarism or Altering Records</i>	Warning - Lunch Detention	Zero score; Detention - OSS (1-5 days)	Zero score; Detention - OSS (1-5 days)
<i>Inappropriate Language-Gestures</i>	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)

<i>Electronics Violation</i>	Warning; Confiscation - OSS (1-5 days)	Warning; Confiscation - OSS (1-5 days)	Warning; Confiscation; OSS (1-5 days)
<i>Physical Horseplay</i>	Lunch Detention - OSS (1-5 days)	Lunch Detention - OSS (1-5 days)	2 days Detention - OSS (1-5 days)
<i>Fighting</i>	ISS (1-5 days) - OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement	OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement	OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement
<i>Bullying/ Harassment (physical)</i>	Warning - OSS (1-5 days); Possible Superintendent's Hearing	OSS (1-5 days); Possible Superintendent's Hearing	OSS (1-5 days); Possible Superintendent's Hearing
<i>Bullying/ Harassment (verbal)</i>	Warning - OSS (1-5 days); Possible Superintendent's Hearing	Lunch Detention - OSS (1-5 days); Possible Superintendent's Hearing	ISS (1-5 days) - OSS (1-5 days); Possible Superintendent's Hearing
<i>Physical and/or sexual contact/behavior</i>	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)

<i>Theft-Vandalism</i>	Warning - OSS (1-5 days)	ISS (1-5 days)- OSS (1-5 days); Possible Superintendent's Hearing	ISS (1-5 days) -OSS (1-5 days); Possible Superintendent's Hearing
<i>Threatening</i>	Warning - OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement	Lunch Detention - OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement	OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement
<i>Use, possession or sale of Alcohol, Tobacco, Non prescribed Medicinal Inhalers, or any other Drugs</i>	OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement	OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement	OSS (1-5 days); Possible Superintendent's Hearing; Possible Refer to Law Enforcement

<i>Bus Incident</i>	Warning; Bus Suspension - After school Detention	Warning; Bus Suspension - OSS (1-5 days)	Warning; Bus Suspension - OSS (1-5 days)
<i>Inappropriate Behavior</i>	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)
<i>Insubordination Disrespect</i>	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)
<i>Inappropriate Display of Affection</i>	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)	Warning - OSS (1-5 days)
<i>Late to Class- every 3 lates</i>	N-A	N-A	Warning - ISS (1-5 days)
<i>Late to School- every 3 lates</i>	N-A	N-A	Warning - Detention
<i>Motor Vehicle Violation</i>	N-A	N-A	Warning - Driving Permission Revoked; OSS (1-5 days); Possible Superintendent's Hearing; Possible referral to Law Enforcement

#### MINIMUM PERIODS OF SUSPENSION FOR CERTAIN OFFENSES

- Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. The Superintendent will also refer any student found guilty of bringing a weapon to school to law enforcement. Before being suspended, the student will have an opportunity for a hearing. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis.
- Any student who is found to have committed a violent act, other than bringing a weapon onto school property, may be subject to suspension from school for at least five days. ● Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. The Superintendent has the authority to modify the minimum five day suspension on a case-by-case basis.

## DISCIPLINE OF STUDENTS WITH DISABILITIES

Notwithstanding the foregoing disciplinary guidelines, a student with a disability may be suspended only in accordance with the requirements of state and federal law. Please see Section XII of the Code for a full discussion of the procedures related to the discipline of students with disabilities.

### **Internet Based Disciplinary Guidelines for the TVCSD Acceptable Use Policy (AUP)**

Disciplinary Options	
Step 1	Administrator conference with student, warning issued, parents notified
Step 2	Administrator conference with student, 10 days restricted* network access, after school detention, parents notified
Step 3	Administrator conference with student, 20 days restricted* network access, in school suspension, parents notified
Step 4	Administrator conference with student, network privileges revoked** for 20 days, out of school suspension, parents notified
Step 5	Superintendent's Hearing and network privileges revoked** permanently

*	A restricted account will be created so that the user only has access to the software necessary for classroom projects. Internet access will NOT be part of the restricted account.				
**	When network privileges are revoked student are responsible for completing all work using other means.				
	<i>When applicable, law enforcement agencies may be involved.</i>				
<b>Occurrence</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>
Infraction	<b>Suggested Steps (see above)</b>				
Engaging in an illegal act	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>
Violating copyright laws	<b>Follow already established District policy</b>				
Damaging computer, computer systems or computer networks	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>
	<b>Plus monetary retribution for damaged equipment</b>				
Attempting to override system security	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>
Attempting to gain unauthorized access to the district educational computer system or any other system to go beyond authorized access	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>
Engage in practices that threaten the district education computer system (i.e. loading files that may introduce a virus)	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>
Violating regulations prescribed by the AUP	<b>Step 1 – Step 5</b>	<b>Step 2 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>
Sending or displaying offensive messages or pictures	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>
Using obscene, profane, lewd, vulgar, inflammatory, threatening, or disrespectful language	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>
Harassing, insulting or attacking others	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 3 – Step 5</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>
Using the computer system for non educational purposes (i.e. playing purely recreational games)	<b>Step 1 – Step 2</b>	<b>Step 2 – Step 3</b>	<b>Step 3 – Step 4</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>
Bringing games or other files to school from home and using them on district educational computers for non-educational purposes.	<b>Step 1 – Step 2</b>	<b>Step 2 – Step 3</b>	<b>Step 3 – Step 4</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>
Giving your ID and password to others to use	<b>Step 1 – Step 2</b>	<b>Step 2 – Step 3</b>	<b>Step 3 – Step 4</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>
Trespassing in others' folders, work, or files	<b>Step 2 – Step 3</b>	<b>Step 2 – Step 3</b>	<b>Step 3 – Step 4</b>	<b>Step 4 – Step 5</b>	<b>Step 4 – Step 5</b>

Using others' passwords	Step 1 – Step 2	Step 2 – Step 3	Step 3 – Step 4	Step 4 – Step 5	Step 4 – Step 5
Communicating electronically with others	Step 1 – Step 2	Step 2 – Step 3	Step 3 – Step 4	Step 4 – Step 5	Step 4 – Step 5

**Please note that upon entering a building, infractions are cumulative over the duration of the student's time in that building. For example, in January of 2018, John D. accessed his e-mail account on a school computer and received a warning. In December of 2019, John D. violated the AUP again. This was his second infraction and therefore is the second column of the chart above. He could receive steps 2, 3, 4 or 5 as a consequence, depending upon the severity of the infraction.**